

MR. CHAIRMAN: Can we get seated
1 please? Thank you. We're going to get started. First up
2 is a request for appearance. Number one is Town of
3 Londonderry request for general appearance. Is there
4 someone from the Town of Londonderry who would like to say
5 a few words?

MR. LOWEN: My name is Peter Lowen,
7 I am the Director of Planning and Economic Development for
8 the Town of Londonderry and we have requested the status
9 before the Committee. We have a number of issues and
10 concerns that we would like the Committee to address during
11 its site evaluation. Those basically deal with the
12 project's effect on property values and the impact on our
13 community quality of life. They break into a number of
14 categories which I think you'll hear echoed from a number
15 of our citizens such as: Will the project be visible, the
16 plants, the stacks, emissions, transmission lines? Another
17 quality of life issue, will it have a smell attached to it?
18 Will it illuminate our night sky? Will it produce noise or
19 vibration? What type of traffic impacts are there, and if
20 there are? Construction routes and if someone violates the
21 construction routes, will you be building them? Conditions
22 that give us remedies to solving those types of issues such

1 as: who do we call to tell AES that someone is driving
2 along a road that they've agreed not to be along. We need
3 to understand the plant's potential downsides to address
4 our citizen's concerns and fears and also to deal with
emergencies.

5 Again, we want you to firmly address these issues.
6 We've got quite a group here of knowledgeable folks and we
7 ask that if there is need for outside knowledge that you
8 reach out to experts to provide that for you and for our
9 community. We want guarantees that these issues are
10 addressed that there are procedures for dealing with them
11 if they get violated such as: along the lines of the truck.
12 If there is a problem how do we address it? Who do we go
13 to? What's the procedure that's set in place? That's all.

14 MR. CHAIRMAN: Thank you. Any comments
15 by the applicant?

16 MR. SMITH: Yes, Mr. Chairman, I'm
17 Greg Smith, appearing for AES. AES is not objecting and in
18 fact supports Londonderry's request for general appearance.

19 Thank you.

20 MS. WAYLAND: I have a few words, I
21 spoke to Justin earlier, My name is Joan Wayland and I've
22 lived in Londonderry for 24 years. I've raised two sons,

1 I'm proud of the school system as are some other people
2 that have lived in town for a number of years. I dodged a
3 lot of land mines in Londonderry with all of our superfund
4 sites and problems and I'm not sure if they're totally
5 cleaned up. And I'm wondering if they're things that were
6 okay at one time then weren't and now here we are opening
7 the doors to something else. My concern is: Londonderry,
8 as I've known it for almost half of my life living there,
9 serving on two high school accreditation committees, my
10 sons going on to MIT and Rensselaer. This is very
11 upsetting to me. We live on High Range Road. I don't even
12 go swimming at Seabrook Beach because I don't like the
13 power plant. Londonderry has a certain ambience and a
14 reputation that I would hate to see destroyed. And I
15 wonder, I've heard that it's not going to a town vote but I
16 wonder what the people making decisions on our lives, if
17 they are Londonderry residents, if they live within two
18 miles of it? Those are some of my thoughts.

18 MR. CHAIRMAN: Thank you. Do you have
19 any comments about the general appearance of the town of
20 Londonderry in these proceedings? It's a process for the
21 town of Londonderry to participate in these proceedings, in
22 terms of testimony and cross examination and so on --.

1 MS. WAYLAND: Not like in the school
where you need a two-thirds vote?

2 MR. CHAIRMAN: No, it's involvement of
3 the town in our proceedings.

4 MR. GALLANT: Commissioner Varney, my
5 name is Brian Gallant, I'm a resident. We would
6 respectfully like to have one of the people that live in
7 the town or someone, a representative from the people to be
8 present at the meetings to act and maybe state our issues,
9 separate from the town elected officials (inaudible).

10 MR. CHAIRMAN: We'll be getting to
11 those other requests in a bit. Thank you.

12 MS. GABBIDON: I just have comment that
13 the general appearance from the town of Londonderry, one
14 concern was as of last week when I spoke, my name is
15 Collette Gabbidon and I'm from Londonderry Neighborhood
16 Coalition. When I spoke to the town council members they
17 had yet to read completely the application by AES. How
18 they stated that they would like to handle this is they
19 were going to have (inaudible) the town planner read the
20 application and then submit the questions. So we want to
21 make sure that if the town of Londonderry does have a
22 general appearance that it is the entire town council

that's involved not just a couple of people.

1 MR. CHAIRMAN: Thank you. Bruce?

2 MR. ELLSWORTH: Mr. Chairman, I'm
3 mindful of our statutory requirement to listen to the views
4 of the communities that are effected by these projects and
5 I would move that we allow the town of Londonderry general
6 appearance.

7 MR. CHAIRMAN: Is there a second? Any
8 discussion? All those in favor say aye.

9 COMMITTEE: Aye.

10 MR. CHAIRMAN: One thing I also wanted
11 to mention and Mrs. Wayland brought this up, Harry Stewart
12 is a resident of Londonderry and I think we should mention
13 that from the very beginning. Harry, do you have anything
14 to say?

15 MR. STEWART: Yes, for the record, I'm
16 a resident of Londonderry. I don't believe residency in
17 Londonderry will effect my ability to act impartially on
18 this application. This represents a potential conflict of
19 interest on the proposed project but based on a
20 conversation with the Department of Justice, I understand
21 that living in the town where a facility may be sited does
22 not represent an actual conflict of interest as this does

23

24 LEGAL DEPOSITION SERVICE

25

not represent a direct personal interest in the project.

1 Thank you.

2 MR. CHAIRMAN: Any other comments on
3 general appearance from the Committee? Did we vote on that
4 already? We did vote, okay. Next up is Londonderry
5 Community Network which has submitted a request for limited
6 appearance and by the way, for those of you who are not
7 familiar, there are two separate groups. There's the
8 Londonderry Community Network and there's the Londonderry
9 Neighborhood Coalition and hopefully we can learn a little
10 more today about what those two groups are and why there
11 are two separate groups. But specifically we're here now
12 to talk about the Londonderry Community Network and their
13 request for a limited appearance. Is there a
14 representative of that organization present? No.

15 ATTORNEY IACOPINO: Mr. Chairman, I believe
16 that organization e-mailed you of their request and said
17 that they would not be here today but they would be here at
18 all future meetings. The community interest was basically
19 they wanted to be sure of what the impact would be on
20 their residence and their members.

21 MR. CHAIRMAN: It was Mark Oswald, I
22 believe, who sent the request and help me with this name,

1 Ken Hajjar. Those are the two contact names that we
received.

2 ATTORNEY RICHARDSON: Mr. Chairman, I haven't
3 received a copy of the request for intervention and I think
4 under the circumstances it might be appropriate to defer
5 consideration of it until the next hearing after all the
6 parties have -- if it's just been an e-mail request
7 perhaps they should be submitting something in writing of
8 the committee and specify what they want and give the
9 various parties the opportunity to view what they're
10 requesting before any action by the Committee.

11 ATTORNEY IACOPINO: Just to clarify the
12 point, they originally e-mailed a one line request for
13 intervention. I corresponded with them by telephone and
14 said that that was not enough, you had to put your reasons
15 in writing in which they attempted to do in
16 correspondence. We haven't received that correspondence
17 today yet. They did try to verbalize their reasons for
18 wanting the limited intervention. Just for the record that
19 was the way it went.

20 MR. CHAIRMAN: Well, I think that given
21 that there is no one here and given that we don't have any
22 written correspondence detailing the reasons for a limited
23

1 appearance I think we should defer action on that. Is
2 there anyone who feels differently? Brook?

3 MR. DUPEE: Thank you, Mr. Chairman.

4 I think given the fact that this is a citizens group that
5 we probably have a pretty good idea of what they would like
6 to be here and heard about. I see no reason why we should
7 not go ahead and proceed and grant them limited status.

8 MR. GABBIDON: If I may, my name is
9 Paul Gabbidon and I reside in the town of Londonderry and
10 I'm also a member of the Londonderry Neighborhood
11 Coalition. Now I know you gentlemen are sitting here today
12 and this is probably part of your job but it is still a
13 considerable amount of your time that you have to put into
14 this. I, myself, have taken off the day from my job because
15 this is an important issue for me and I want to be here to
16 participate in the process and I feel that if this Network,
17 Londonderry Neighborhood Network felt this was a serious
18 enough issue, someone from their group would be here as
19 well. And the fact that they are not here just basically
20 says to me, it's not as important as it should be. I would
21 ask that no consideration be given at this time until they
22 show up and produce any documentation and argument
23 supporting the fact of why they think they should be given

an opportunity to be heard. Thank you.

1 MR. LOWEN: What I think you're
2 hearing is that there is some real concerns being expressed
3 by Londonderry Neighborhood Coalition and you probably
4 think they're all sort of black and white. These people
5 have very real concerns because they are close to it, the
6 other people would be sort of more in favor of the plant.
7 So there are two citizens groups, I'm trying to blunt here,
8 along the lines that both of them want the assembly to hear
9 them.

10 MS. GABBIDON: No, that's not
11 necessarily true. Because someone is close to it, there are
12 plenty of people who are -- (inaudible).

13 MR. LOWEN: I understand, I'm sorry
14 about the over characterizing. I apologize.

15 MS. GABBIDON: Ken Hajjar and Mark
16 Oswald both serve on committees in Londonderry. One is
17 the, Peter you are familiar, is Ken on the Planning Board
18 Committee and the --

19 MR. LOWEN: The Planning Board and
20 the Budget Committee.

21 MS. GABBIDON: These two gentlemen have
22 showed up at every single Londonderry Neighborhood
23

Coalition meeting and have tried to disrupt it. As far as
1 we know they are the only two people representing their
2 group and they've been very abusive to the members of our
3 coalition. If there are other members that work with them,
4 we have yet to see them. It's just generally those two
5 gentlemen.

6 MR. CHAIRMAN: Thank you.

7 MR. TAYLOR: Mr. Chairman, I would
8 recommend that we suspend further consideration until such
9 time that we have a representative and a request in writing
10 from the Network.

11 MR. CHAIRMAN: Thank you. Greg?

12 ATTORNEY SMITH: May I just say that we
13 agree with that and with the position taken by the Public
14 Counsel. I think it's appropriate way to handle each of
15 these which is that anyone who wishes to participate under
16 the appropriate circumstances should have their opportunity
17 to do that but we think that they should identify who they
18 are and what their interests are. And we have at least
19 haven't received -- I don't have that information yet so we
20 would think that's a sensible approach any time this comes
21 up, which is that they will identify for us who they are
22 and what their interests are. We would then like to offer

1 the Committee our views about their role in the
2 proceedings.

3 MR. CHAIRMAN: Thank you. Do you want
4 to second Jeff's motion?

5 MR. DUPEE: Second.

6 MR. CHAIRMAN: Any further discussion?
7 Yes, Michael?

8 MR. CANNATA: Should the motion be
9 passed as put forth? That is, the attempt of somebody to
10 inform this group of the requirements, that it was not
11 considered and will not be considered until such time that
12 they meet certain criteria?

13 MR. CHAIRMAN: Committee's counsel will
14 contact the organization to explain the reason for the
15 deferral on the decision.

16 ATTORNEY IACOPINO: I just found the request
17 that was, the latest request that was e-mailed. Do you
18 want me to read that for the record?

19 MR. CHAIRMAN: I think we have a motion
20 on the floor and I think we're ready to vote. All those
21 in favor say aye.

22 COMMITTEE Aye.

23 MR. CHAIRMAN: Motion's approved. And

perhaps that e-mail, we could have it copied and
1 distributed. Is it very long?

2 ATTORNEY IACOPINO: I believe the secretary
3 has it. In fact, it's in your packet with your agenda.

4 MR. CHAIRMAN: Next is Public Service
5 Company of New Hampshire. You may recall at our last
6 meeting they filed for general appearance for the Newington
7 project and they have since filed for a general appearance
8 for the Londonderry project as well. Any comments from
9 PSNH?

10 MR. ALLWARDEN: Mr. Chairman, Chris
11 Allwarden from Public Service. I have to same application
12 that I had in Newington proceeding. As I said two weeks
13 ago I think we have an interesting vote proceedings based
14 on the proposed interconnection to the PSNH transmission
15 system. I have had a discussion with Greg Smith this
16 afternoon about what other possible issues Public Service
17 would be interested in raising or addressing in this
18 proceeding. I explained to Greg that Public Service
19 Company still, at least at this state, continues to own and
20 operate a generation of local franchise electric utility.
21 And to the extent there are other issues related to that if
22 any, I would certainly like to be in a position to raise

those to the Committee.

1 I don't, Greg correct me if I misinterpret what we
2 agreed to, I think based on that Greg has indicated that, I
3 won't speak for him but he had no objection to our
4 appearance as long as I have the ability based on general
5 appearance to raise other specific issues by specific
6 request of the Committee. That would be fine with Public
7 Service.

8 ATTORNEY SMITH: That's essentially
9 correct. I think the request refers to PSNH's interest in
10 interconnection and we readily recognize that. Secondly,
11 that this generation facility proposed within PSNH's
12 service area, we had a conversation about what exactly that
13 meant and PSNH is reflecting that. That is that they
14 understand that as an integrated utility with generation
15 facilities, that happens to be this service area, they have
16 certain interests. So identifying it in that way we would
17 tell you we have no objection to their appearance.

18 ATTORNEY IACOPINO: Mr. Chairman, I think if
19 Public Service has a general appearance, then I think they
20 should be compelled to at least set forth all of the issues
21 that they intend to raise, at least by the time that the
22 interveners and public counsel are to submit their

1 testimony and exhibits. To go beyond that I think we're
2 placing the burden on the Committee of having to deal with
3 new matters, maybe. I don't know what they have at issue
4 but I think the appropriate time for them to at least join
5 any issue that they want to join would be at the time that
6 public counsel and the interveners have to submit their
7 testimony. And that would give them the benefit of the
8 discovery period.

8 MR. ALLWARDEN: I would think if we're
9 granted a general appearance as a party to the proceeding
10 to the extent that we want to submit testimony we'd be glad
11 to submit it along with all the other interveners. At that
12 point and time we'll be making our positions on any issues
13 known to the Committee. So that's no problem with that
14 suggestion.

15 ATTORNEY IACOPINO: I didn't think you
16 would.

17 MR. ALLWARDEN: What those issues are
18 and how we will respond to them I'm not certain at this
19 point. If there's an attempt to compel the company to make
20 a statement on some issue that we're not, for example the
21 ISO system impact study I don't know the status of that.

22 MR. ELLSWORTH: Mr. Chairman, I think

1 the company's arguments are persuasive. I think they are
2 clearly a stakeholder in this and additionally there may be
3 questions that the Committee may have for the company as
4 that stakeholder that we may want to ask and might not be
5 able to ask if they didn't have a general appearance. I
6 move that we allow the general appearance.

7 MR. CHAIRMAN: Second? Second over
8 here. Any further discussion? All those in favor say aye.

9 COMMITTEE: Aye.

10 MR. CHAIRMAN: Motion is approved.
11 Next is request by Londonderry Neighborhood Coalition for
12 limited appearance. Is there someone who would like to
13 speak on behalf of the organization?

14 MS. GABBIDON: Good afternoon, my name
15 is Collette Gabbidon. I represent the Londonderry
16 Neighborhood Coalition. We are a group of residents
17 representing all areas of Londonderry. We were formed
18 three months ago to object the AES proposal on the site in
19 Londonderry. At the beginning of August we formed a
20 decision that we did not think that this was appropriate
21 site. In forming that decision we've met with the
22 Conservation Law Foundation, AES, the Town council and
23

we've also met with members of the Planning Board.

1 Currently we also submitted, there's another group within
2 the town of Londonderry, actually it's a company, Gordon's
3 Top of the Tree Apple Pie, which is in the vicinity of the
4 industrial park, that is also coming out in our position to
5 the site that AES has chosen. One of the reasons that we
6 formed, I initially was working with a collaborative, with
7 AES and the Conservation Law Foundation, was that, it came
8 to our attention that there were meetings held in our
9 community that were by invitation only. None of the
10 abutters to the power plant got invitations to those
11 meetings. We found out about those meetings because one of
12 our neighbors happened to know someone on one of the
13 committees up in Londonderry and she in turned notified all
14 of us about the power plant. Prior to that we had received
15 no notification of any meetings within the town of
16 Londonderry. At the same time there were meetings going on
17 for Conservation Law Foundation and AES, those too were
18 supposed to be open meetings, open to all residents. They
19 were invitation only meetings. I was one of the people who
20 received an invitation and I in turn let my entire
21 neighborhood know about it. When we spoke to the Town
22 Council regarding our feelings on application we were

informed by them that they hadn't read the application yet.

1 When we informed the Town Council that there were
2 deadlines that they had to meet they told us that they
3 weren't going to discuss it until mid-November. That is
4 why we formed a coalition because there seemed to be a
5 general lack of information in the town of Londonderry
6 itself.

7 The other thing that deeply concerned us was when we
8 went door to door and we do have about a couple hundred
9 people now, it's steadily growing, have invested their
10 entire summer talking to people. Going door to door, there
11 are two groups of people, those who didn't know about the
12 power plant and those who had been approached by a real
13 estate company to sell their home for the interconnecting
14 corridor site. There were people who were offered money
15 for their homes next to people who didn't know about the
16 power plant. That deeply concerned us also. So at this
17 point we are not in support of the AES proposal in the town
18 of Londonderry.

19 MR. SOSSE: There's another issue
20 I'd like to bring up that I have been informed about. When
21 we originally voted as a community on developing the Eco-
22 park, it's my understanding that Peter, you would go out

and bring business in, they come to the community and they
1 were going to vote on the type of industry that you brought
2 into the Eco-park. We voted to spent what, \$240,000 or
3 thereabouts to get this thing off the ground. Frankly the
4 people in Londonderry have been in the dark on this whole
5 issue. I've attended meeting with AES, I've gone to the
6 council meetings. One of the things we did, we did
7 approach the Town Council and asked them, "Can we bring our
8 concerns forward to the Town Council?" They told us no.
9 And they're our elected officials. So there are a lot of
10 issues right now that have to be taken into consideration
11 about your consideration of the proposal. And one of the
12 things I don't think has been addressed at all is that they
13 haven't notified and educated the community as to what this
14 all entails pro or con. We haven't really gotten an
15 opportunity to organize although we are more than 200
16 strong. I represent Brook Park Estates, a community that
17 consists of 95 homes. We had a meeting last night and
18 we're going out with a petition asking questions, are the
19 members of the community for or against the power plant?
20 And based on that I will represent the community as a
21 whole. We need more time to be able to get all the facts,
22 get the straight answers from our councilmen and AES so
23

1 that we can address all of the concerns that need to be
2 addressed and the impact that it's going to have on our
3 community. My name is John Sosse.

4 MR. CHAIRMAN: For the record, we did
5 receive a number of letters about the plant. Some 124
6 individuals submitted letters expressing concerns about the
7 plant and there also was petitions which were submitted as
8 well. Any numbers of the Committee who would like to
9 review individual letters or read the names on the
10 petitions if you don't have them, please see Cedric or Ike
11 or Helen in my office.

12 Was there anyone else from the Coalition who would
13 like to say anything? Please bear in mind the discussion
14 right now is the granting of limited appearance. That's
15 the only decision we're making. We're not making
16 discussion on the plant today.

17 MR. LOWEN: Bob, the town would like
18 to support the Londonderry Coalition's request for limited
19 appearance.

20 MR. CHAIRMAN: The town supports the
21 limited appearance. Thank you. Any other comments from
22 the applicant?

23 ATTORNEY SMITH: The applicant does not

1 object to the request by the Londonderry Neighborhood
2 Coalition to be granted a limited appearance. I also would
3 like to reflect for the record that we filed today a
4 response to the August 10 letter that I believe came from
5 the Coalition. I have some extra copies for people who are
6 here if they'd like to have copies today rather than wait
7 to get them through the mail.

8 MR. SOSSE: This process I
9 understand that you are going to consider the application
10 to start, in other words start the process of reviewing
11 their application. Is that correct?

12 MR. CHAIRMAN: If we vote to accept it
13 after we discuss the intervener request.

14 MR. SOSSE: Informing the citizens
15 within the community that are going to be effected by this,
16 doesn't that have to be done as far as an impact study, et
17 cetera, et cetera and be incorporated in the application
18 before that can be considered?

19 MR. CHAIRMAN: An application has been
20 submitted in response to state requirements and there will
21 be, as I said earlier, a public informational hearing held
22 in the community and then there will be proceedings in
23 which there will be presentations and questions and cross

1 examination of witnesses and so on, presentation of
2 material and to the Committee. So there's a very lengthy
3 process leading up to the eventual approval or disapproval
4 of the application. Yes, sir?

4 MR. HAJJAR: My name is Ken Hajjar, I
5 apologize. I believe my name was called, I got stuck in
6 traffic as we all know driving through the turnpike. I was
7 on the list to be speaking here so if you don't mind I'd
8 just like to say a couple of words.

9 MR. CHAIRMAN: In a minute. When we
10 finish with this agenda item, then we'll be --

11 MR. HAJJAR: Thank you.

12 MR. CHAIRMAN: Any other items relative
13 to granting of limited appearance by Londonderry
14 Neighborhood Coalition? Seconded. Any further discussion?
15 All those in favor say aye.

16 COMMITTEE: Aye.

17 MR. CHAIRMAN: Motion is approved.
18 Yes.

19 MR. HAJJAR: My name is Ken Hajjar.
20 It's spelled H-A-J-J-A-R. I come here as a private citizen
21 but I represent a group called the Londonderry Community
22 Network. I'm also chairman of the Londonderry Budget
23

Committee. I'm not here to speak in favor or oppose, all I
1 would ask is that this process be continued. I request the
2 right to be a intervener on behave of keeping the process
3 going. I believe this process, or this plant is very
4 important to the town of Londonderry as well as to the
5 surrounding community. I absolutely believe that the
6 people in the neighborhood of the plant have the right and
7 frankly the responsibility to have their case represented,
8 the interest represented. But I will tell you that my
9 conversations with the general public in Londonderry and
10 I've been in public office in Londonderry for eight or nine
11 years now, I can tell you that there's widespread support
12 for this plant if, and this is a very important condition,
13 if the plant meets all the regulatory requirements and
14 poses no health risks to the people of Londonderry. If
15 those requests, or those requirements are met, I believe
16 you will find that there is overwhelming support in the
17 town of Londonderry for this plant. Now what I am going to
18 do is respectfully ask that the process be continued and
19 not be held up and that we go through the entire process.
20 And then obviously if your requirements and standards are
21 met, I would hope that the process would continue after
22 that as well.

MR. CHAIRMAN: Thank you. Earlier,
1 before you arrived the Committee voted to defer the
2 decision on the limited appearance for your organization.
3 And I would ask that you speak with Mr. Iacopino over here
4 who is counsel to the Committee when this meeting ends and
5 he can discuss that with you in terms of the next steps.

6 MR. HAJJAR: Thank you.

7 MR. CHAIRMAN: The discussion on
8 completeness is the next item on the agenda. Any comments
9 by interveners on completeness of this application?

10 MS. GABBIDON: In respect to the
11 completeness of the application we just want to make sure
12 that as John said, that the community intact is considered.
13 In terms of the interconnecting corridor where the power
14 lines are going to go, because if they're looking to
15 purchase homes or abutting homes that are going to stand,
16 that's a serious concern for us.

17 MR. CHAIRMAN: Thank you. Anything
18 else?

19 MR. GALLANT: Chairman Varney and
20 members of the committee, it's my understanding that the
21 water source that would be used in the plant will be coming
22 from the Manchester water treatment facility. I have some
23

1 concerns regarding if there were heavy rains, at this point
2 the capacity of that facility gets overflowing and at that
3 point it dumps into the river. If there's a water source
4 coming from the plant to this facility, will this
5 exacerbate that problem? When we're talking about the
6 Merrimack river in the summer times when we using get these
7 heavy rains we have low water levels. We finally have the
8 salmon running up, we have a lot things that are happening
9 positively in the Merrimack River that may be adversely
10 affected due to unforeseen circumstances.

11 And in addition to that our concern primarily is
12 health as well as safety. The Manchester Airport in
13 proximity to the plant and the growth of the Manchester
14 Airport is a serious concern because they are going to
15 expanding expeditiously and we're concerned about that.
16 Thank you.

17 MR. CHAIRMAN: Why don't we now have a
18 presentation by the applicants on their project. And then
19 we can pick up on the completeness issue.

20 MR. HASE: My name Steve Hase, I
21 direct the AES project here in Londonderry. I'm joined by
22 Bob Shatton (ph) who oversees our environmental regulatory
23 matters. Perhaps someone could check the plug to see if it

has been disengaged, it worked just a minute ago. I'm also
1 joined by Joe Cleary, who's standing in the corner, is
2 involved with the engineering design of the facility.
3 EarthTech is with us, Environmental (inaudible) and design,
4 George Lipka (ph) and (inaudible) who were very much
5 involved with the application itself or the binder you see
6 on the table in front of Mike. You've already met Greg
7 Smith who's representing us formally. I'd like to survey
8 for you, and by the way, copies of these transparencies
9 will be provided for you shortly. They should be here any
10 time. We'll make sure that the committee members have a
11 copy.

12 And just to underscore again, Greg Smith has submitted
13 for the record AES's response to the Londonderry
14 Neighborhood Coalition letter of August 10th. We applaud
15 and are very supportive of this public process which allows
16 a full examination of all issues. If an assertion is made,
17 a question is raised, we appreciate the orderliness and the
18 rationale of a forum like this for reviewing them, so
19 gladly submit all your responses to questions raised in the
20 community.

21 I'm going to survey for you who the company is; the
22 public process that we're committed to; why we chose
23

1 Londonderry. I'm going to show you pictures of the area,
2 our abutters in the community we're near, the airport we're
3 near. I'm going to show you little bit about the power
4 plant itself. I thought that Norm did an excellent job
5 describing the combined cycle process so I'll skim through
6 that. I don't want to be too redundant there. I'm going to
7 go through impacts, air quality wise, noise, visibility,
8 and please do ask questions throughout the process if you
9 would please.

10 Who is AES? We are a leading global power company.
11 We generate or sell electricity all around the world. For
12 example we're doing business in 17 countries, we have 106
13 plants as of today. We're actually more than 32,000
14 megawatts of power. We have an interest in very healthy
15 financials as far as net income and market capitalization.

16 To give you an idea of where we are in North America,
17 basically in the United States you'll find we have a plant
18 in Montville, Connecticut, four plants out in California,
19 we have a plant in Shady Point, Oklahoma, a plant near
20 Houston, Texas, one near Pennsylvania, we have a place near
21 Kingston, Ontario, your North America. And then you'll see
22 throughout Central America, South America, East Asia,
23 Australia, Europe, there's our presence. Our mission is to

1 help serve the world's need for electricity. We are
2 actually the leading global power company when it comes to
3 overall megawatts. Of people we serve, over 50 million
4 people are benefiting from our electricity.

5 The guiding principles are something I don't want to
6 give you a Sunday school lecture, actually I'd like to see
7 if the end of the process, if you would agree that this is
8 the way we operate: acting fairly toward all stakeholders;
9 balancing all interests of stakeholders; acting integrity
10 what we say is what we do, and vice versa. That we want to
11 be socially responsible in order to bring benefits
12 environmentally and people wise to the communities that
13 we're in and find that when people enjoy and do good job of
14 what they do and bring, make a difference, a positive
15 difference that actually can be fun. Hope you can judge us
16 at the end of the day that this is what we aspire to. This
17 is what we would like you to hold us accountable to.

18 AES has been very public from the very early process
19 of this. We've actually initiated very frequent regular
20 public meetings. I'll go through the specific shortly.
21 Specifically with the leadership of the Conservation Law
22 Foundation, a venerable environmental group. We've tried
23 to organize what we call a collaborative process inviting

people around the round table to discuss the issues.
1 Environmentalists, neighborhood interests, business
2 interest, public leaders, to work through solutions.
3 You'll hear more about that. We established a local
4 office, and I'm glad to know, by the way, that our local
5 telephone number now works. We've had a little trouble
6 with Bell Atlantic getting service established. For those
7 who have been frustrated calling us, I apologize. That
8 local number 432-9114 now works. We've gone visiting door
9 to door in the neighborhood, just to see what issues are
10 there and how we can -- we also remain committed to
11 continue to meet with neighborhood associations either as,
12 whether it is Yellowstone or Woodside Drive, or any
13 particular group would like us to sit down with them, we're
14 willing to do that in addition to meeting as a
15 collaborative process.

16 Just a quick view, our first real public meeting was
17 back on May 18th, where 30 people, stakeholder interest,
18 residential, environmental came to the Leach Library. That
19 same night we briefed the Town Council. I believe there
20 was notice of that meeting at Town Council in the paper,
21 certainly as well as the Planning Board meeting on June
22 17th. You'll notice that the collaboratives have met

1 basically the first Tuesday of every month and they will
2 continue all the way through the end of the year and
3 beyond. Again, this is an informal process that we are
4 inviting, as a matter of fact we've invited five people
5 from the Londonderry Neighborhood Coalition to join us
6 around the round table, to discuss the issues that are very
7 legitimate. Visibility, traffic, noise, property values,
8 air quality, all those, transmission lines, all those very
9 important issues, we've invited to sit around the table to
10 work out reasonable solutions. There have been basically
11 six or seven meetings before now. We sent out 300 letters
12 to people nearby, based upon who is on the tax rolls.
13 That's been the only way we knew who really lived next to
14 us, inviting them to a meeting on June 24th. I think about
15 100 people were there to first learn about the plant.
16 Again this was, as you probably realized was before we
17 actually submitted the application to you in July. Again
18 AES is committed to informal communication, as well as this
19 public process.

20 Other ways we wanted to inform the public, we think
21 were better understood. It's easy to misunderstand what we
22 are about just by hearing about it or reading about it.
23 It's better, it's easier to understand it if the person is

1 able to see a plant for themselves, in person. So if for
2 example we've invited what is it, 16 people, 17 now, to a
3 trip, actually it's this Friday, to the nearest combined
4 cycle gas plant that AES has, in Kingston, Ontario. I
5 might add, when it's appropriate if there is an interest by
6 members of this committee to see any of our facilities, we
7 would be happy to facilitate that as your schedules permit.

8 In Connecticut there will be, actually September 12th now,
9 it's the first Saturday after Labor Day there will be an
10 organized bus trip so that anyone can join us. Please call
11 our local office, we also have advertisements in the paper
12 to have people know how to sign up for that. To visit a
13 plant there. It's a coal plant, very different from this
14 one, different kind of community, but I think it
15 illustrates how responsible AES has been in taking very
16 good care of its neighbors. The neighbors are actually
17 much closer to that facility than what would be the case
18 here. Medway, in London, England seems like a far away
19 place away. We suggested it because people continue to
20 ask: show us something that's the same size, or about the
21 same size. And this one 660 megawatts, versus the 700,
22 approximately the same size, approximately the same type
23 of technology, combined cycle gas. That will be scheduled

1 sometime in October. There will be other trips you're
invited as well.

2 Again we want to facilitate regulators and neighbors
3 and others interested in coming to see our plants.
4 Individual citizens have called us up, said that they're
5 going to be in southern California, can we go see your
6 plants there? We've tried to open the door for that, so
7 that is taking place as well. We're committed to the
8 public process. Let me give you a feel for where we are
9 physically. I don't know if you can sharpen that focus at
10 all but here's the airport, in Manchester. This is Harvey
11 Road. If you were to come this way a good mile and a half,
12 you'd be at the Merrimack River. If you go that way a good
13 four miles you'd be at I-93. The yellow marks the
14 footprint of the area that we will impact on the site. If
15 you can see a red faint line actually marks the outer
16 boundary of the property that we have under option. This
17 is Stoneyfield, the good yoghurt people in frozen folks.
18 The Felton Brush is here, Frito-Lay is there. This is kind
19 of an industrial/commercial community that we're trying to
20 be a part of. The Eco-park that you heard of before is
21 down here. And the town can speak for itself, its
22 interested in other, having the rest of this industrial

land, industrial zone through here hopefully being part of
1 that Eco-park someday. But I really want to highlight
2 pretty much everything north of this line is industrially
3 zoned and been so for 20 plus years. And obviously there's
4 residentially communities, very important residential
5 communities south of this area.

6 To give a sense for distance, this is another aerial
7 shot of the same footprint. The closest vantage point of
8 the road, Litchfield Road, is .22 miles away. And the
9 closest neighbor is basically approximately that same
10 distance. There a residential community here, a half mile
11 away as well as here. This is very dense forests. I might
12 add that in the early days of trying to, March, April, that
13 we were actually trying to examine whether this site was
14 feasible for us, we were looking at putting the facility
15 down here in this dense forested area mainly because we
16 didn't have access to this property at that time. Upon
17 doing a lot of wetland, forest and wetland investigation,
18 we have noticed that there is a highly valued wetland
19 through here. We're also obviously cognizant that it was
20 closer to the community. We, certain town officials were
21 involved with at least seeing, knowing those were the early
22 plans we were, we persuaded ourselves it was best to move

1 closer to where the disturbed area was, where the old sand
2 and gravel burrow pit is, preserving these forested
3 wetlands nestled in with the existing industry.

4 Just another view, some people, you might hear about
5 Manchester being nearby perhaps. The town line is roughly
6 1.14 miles from our nearest structure. This is Manchester,
7 a portion of Manchester. These are two, the two alternate
8 power line routes, both of which are feasible. The
9 westerly route, I know I changed orientations on you just a
10 bit so let me get you back. Here's Stoneyfield, here's
11 Harvey Road, the river down here now, airport up here going
12 west from the site through industrial land with the purpose
13 of interconnecting with the existing PSNH R-187 and then a
14 second route is to the south heading this way. By design
15 we are preserving a very ample, substantial buffer area
16 here as well as here, and here, these are homes that
17 actually, that are -- if the power line is here these homes
18 will not be built. This is a planned subdivision that has
19 actually been suspended as we have our option control over
20 the site. But please note that we, every point we have
21 where we are somehow proximate with a residential neighbor
22 we're at a point where we can have significant buffer

1 between us and an abutter. Actually, the planners actually
2 have no direct abutter. No direct residential abutters to
3 our power lines. The reason I say that is we manage to
4 have at least 100 feet in this case, several hundred feet
5 here, and more than several hundred feet here of land
6 committed, pledged and dedicated to permanent, perpetual
7 conservation. Permanent conservation. That would be the
8 abutter to any residential neighbors, not our power lines.

9 We're also trying to design this, and there are ways of
10 doing this to minimize if not completely eliminate all
11 visibility of the power line from those nearby residents.
12 We look forward to the opportunities, the design unfolds on
13 us to be able to prove that. But we've taken special care
14 in order to get from the Eco-park where we've been invited
15 to the PSNH corridor where we are trying to reach to avoid
16 people and to minimize visibility impacts and any other
17 associated impacts.

18 AUDIENCE: Can you point out the
19 roads?

20 MR. HASE: Yes, ma'am. For example
21 this is Litchfield Road here.

22 MR. CANNATA: Perhaps, Mr. Hase if you
23 orientated your slide geographically correct it may help.

You know with north pointing upwards.

1 MR. HASE: If I just turn it
2 around, turn it upside down. So north is up, you like
3 north to be up, that's a western hemisphere viewpoint and
4 that's okay. (Laughter) Harvey Road, Litchfield Road,
5 Woodside Drive, Sandy Brook Lane, Yellowstone.

6 AUDIENCE: Where's Kimball Road?

7 MR. HASE: Kimball I think is back
8 here, Kimball is down here. Kimball is off the aerial
9 photo. Not on purpose by the way, this is not going to be
10 one simple aerial photo. We have other aerial photos that
11 can pick it up. Kimball, I think Kimball is down here.
12 And again Burton Drive, so for example when you come to see
13 the sites on September 24, which I think maybe is on the
14 list, you'll be at the end of Burton Drive coming right off
15 of Harvey Road. And for those that are interested in
16 coming September 1, to our collaborative meeting, where
17 we're going to do is visibility and sound demonstrations on
18 site. Again we'll have a tent out there at 7:00 p.m. on
19 September 1st, that's next Tuesday and there will be, we're
20 going to float balloons to the full height of the
21 structures so people can see from their homes, or actually
22 won't see from their homes as most people are going to

23

24 LEGAL DEPOSITION SERVICE

25

1 find. You won't see the facility. But at least they'll be
2 able to come out to the site to see the heights of the
3 structures, we'll do a sound demonstration out there as
4 well.

5 Okay, let's keep moving. Just another picture this
6 is, the gray is the industrial zone, it's been that way for
7 decades. And again we've chosen to locate here next to the
8 existing commercial/industrial activity. Roughly a
9 thousand acres in industrial area that's intended for and
10 will be developed by somebody. This is an overall view,
11 we'll come back to each of these, I'm sure at the point
12 when we get into gas, pipeline and transmission line
13 questions, but just to give you an overall view, again
14 north this way, the airport doesn't show up real well here,
15 but the airport is right in here. Here's the town line
16 between, here's that little sliver of Manchester coming
17 down. Londonderry is everything on this side.
18 Unfortunately the road network is not real well noted but
19 Harvey Road is essentially here. The facility, you'll hear
20 about the natural gas line. Direct interconnect from the
21 (inaudible) natural gas line is this dotted line and we
22 have an approximately two mile line coming into the site
23 following an inactive railroad spur at this point and then

1 either an abandoned trolley route or inactive railroad spur
2 until it gets to the left side of Harvey Road and on the
3 industrial property on into the plant. That's the natural
4 gas lateral. The electric interconnection, again these
5 were the westerly route you just saw on the aerial and the
6 southerly route on the aerial. That is the PSNH system,
7 we'll see that we are trying to move to the New England
8 Power System as well. And I'll address this one on
9 electric interconnection but please note that we are trying
10 to go with two different electric systems. PSNH's which is
11 obviously owned by Northeast Utilities and New England
12 Power. This actually helps us with stability and
13 reliability. We'll get into specifics of that as time is
14 available.

15 Finally, I want to mention the water line from
16 Manchester, water treatment facility. We'd be essentially
17 coming down public right of way all the way until we get
18 out of Manchester into Londonderry and then again public
19 right a way on a road through here.

20 AUDIENCE: What road is that?

21 MR. HASE: This is Pettingill Road.

22 Right through here and then through the industrial
23 property down to the site.

MS. WAYLAND: What are the health
1 issues in boxing in Yellowstone, all sides of Yellowstone
2 with the power lines?

MR. HASE: Well, it should be clear
3 these are two alternative routes. We would not build both
4 of these. I'm glad you mentioned that. So we wouldn't be
5 boxing in necessarily. If we go the southerly route, this
6 will not be built, if we go the westerly route, this will
7 not be built. And the health issues will be examined fully
8 in this process.
9

10
11 We've talked about where a lot, but what really are
12 we? We believe we're going to be one of the cleanest, most
13 economical power facilities in the entire world and we
14 think that it's going to aid the Eco-park and it's going to
15 be a great benefit to the citizens of New Hampshire because
16 of that. We are 720 megawatts natural gas fired
17 principally. We're co-generation facility, a little
18 different from some other proposals in the sense that we
19 didn't have some of the extra steam that comes out of our
20 process available for commercial use in the Eco-park.
21 You'll see how there's synergy from that. The neighboring
22 industries have, we're undergoing a dialogue with them
23

1 about the use of that steam, how it would help them. Co-
2 generation in the sense of two products, electricity and
3 steam from the same fuel source. We intend to apply
4 wholesale power locally and regionally. I say locally in
5 the sense that by tying in to PSNH's 115 KV system that
6 goes into Scoby Pond that is designed for local
7 distribution as far as the electric flows at that voltage,
8 and regionally in the sense that the 230 KV system at least
9 will serve more the regional as far as physically.
10 Contractually, and this is the same for anyone proposing
11 any facility in New England, contractually it's true that
12 anyone else in New England can purchase power from this
13 facility. We intend and as we've been talking with
14 aggregators, and there's been interest by local
15 aggregators. Once there are more definitive terms of those
16 discussions we can make them public. We intend to make
17 this power available to all citizens of Londonderry, in
18 fact all citizens in New Hampshire through a specific
19 marketing arm so that the citizens have a choice to
20 purchase some of this low cost power.

21 Combined cycle and that is the gas turbine and the
22 steam turbine. Norm did an excellent job describing that.

23 It effectively gives us close to 60 percent efficiency

1 compared to traditional plants which might 30 to 40 percent
2 efficient. Better use of natural gas, lower impact on the
3 environment.

4 Why Londonderry? The Ecological Industrial Park
5 attracted us to this area because the synergy of having our
6 off products of steam and other thermal energy available to
7 the neighboring industries. The recycling of municipal
8 effluent, the reuse of that water that would have gone to
9 the Merrimack River. That availability of an abundant
10 source, 20 million gallons a day roughly, we'd be taking
11 roughly 4 million gallons a day of it. The ability to use
12 that as our cooling water and really have no impact on the
13 Merrimack River and we can prove that as the time goes by
14 even on the CSO issue in Manchester. Actually it has a
15 kind of a neutral effect on the CSO issue but we'll get
16 into that as time permits. The proximity to natural gas,
17 the (inaudible) pipeline coming in and then the electrical
18 interconnections with the two abilities to interconnect
19 both systems.

20 At least one artist's rendering of what this would
21 look like, I hope that there was another one with a little
22 better color than that, but you've essentially got your
23 boiler building, 95 feet in front design, gas turbine

building, in the 60's, steam turbine generator building,
1 here's your cooling towers, distillate fuel support, water
2 clarifier. I might just mention just on the question of
3 water, if there is, we'll have water storage on site so if
4 there is an upset in any way, in the system in Manchester
5 through some storm event, we will have water storage on
6 site during storm events so that we can obviously still
7 take, we can only take treated water that's clean for our
8 use. So water storage on site will address any storm events
9 that might upset the Manchester system.

10 Two chimneys here at 132 feet. The airport would be
11 this way, the forested wetlands would be here and let's
12 keep moving with how this fits in. This same footprint
13 effectively fits into where Stoneyfield is, Felton Brush,
14 Frito Lay, you can see all of our equipment is enclosed.
15 In our opinion, it's obviously in the eye of the beholder,
16 but in our opinion we're very much suitable for the
17 character of this industrial property.

18 MS. WAYLAND: Now that's a summer view
19 with trees, in the fall (inaudible) we have that about two
20 months (inaudible).

21 MR. HASE: You can find that these
22 are a lot of coniferous trees that won't lose their leaves.

1 There are some deciduous, and by the way we've done line
2 of site studies, which I'll get to in a second that shows
3 even during the winter or early, late spring this will not
4 be visible.

4 MS. WAYLAND: So the balloons will be
5 flying in the winter?

6 MR. HASE: We can do that again
7 too. Sure, we can do that again.

8 MS. GABBIDON: Steve, can I just ask a
9 question of you? Are you not going to have to develop
10 access roads this late in the plans?

11 MR. HASE: Good question. The
12 access road isn't well drawn here yet. This was an artist
13 rendering. One access road will be off of Burton coming in
14 this way. The main access, see here's our access road
15 going in here, actually will connect with an existing road
16 that, just to show you how well the trees work, these trees
17 hide the existing road back here. But yes, we will have
18 access to North Wentworth, which comes over here and from
19 Burton. By the way, once that's fully designed, we'll be
20 happy to add that to the mix.

21 MR. GALLANT: Steve, my name is Brian
22 Gallant. Would the towers that are heading away from the

plant, what's the height that the towers would be?

1 MR. HASE: Current design basis for
2 the single steel pole, do we have a picture of that? I
3 don't know if we have a picture of the single steel or not,
4 at least I don't think we do. Current design basis is
5 approximately 105 feet, a maximum design basis under worst
6 case conditions would be 125 feet. I know the next
7 question is, can't you see that? It's possible. We're
8 doing a view shed analysis of those pole structures from
9 all points of residents and we're going to make that
10 available to the public. And if it's visible, we're going
11 to look at the technical redesign that maybe has rather
12 than single poles, a different pole structure that brings
13 the conductors horizontal rather vertical. It'll actually
14 reduce that visibility. That's the intent.

15 MR. SOSSE: Your cooling towers.
16 Litchfield Road is what, 1400 feet from the edge of your
17 cooling towers?

18 MR. HASE: Roughly.

19 MR. SOSSE: So that's where the
20 noise comes from is the cooling towers?

21 MR. HASE: One source of noise will
22 be the fans on the top and then the water cascading into

23

24 LEGAL DEPOSITION SERVICE

25

26

the basin at the bottom, yes.

1 MR. SOSSE: So that's the edge,
2 that's the direction towards Litchfield Road?

3 MR. HASE: Yes, sir.

4 MR. SOSSE: Which is?

5 MR. HASE: Litchfield would be down
6 here. And we'll get to the noise study in a second, John.

7 Let's keep moving. I'll just really touch on this
8 quickly. Basically combined cycling you've got your, first
9 of all, your fuel coming in, powering a combustion turbine,
10 or in our case two combustion turbines, some electricity
11 coming out from those two combustion turbines, heat coming
12 out of the back end of that combustion turbine, boiling
13 water in these steam generator structures, and by the way
14 ours will be enclosed. If you remember these are naked
15 without the enclosure. I might even add this is where the
16 source of lights are for a lot of facilities. Ours will be
17 enclosed shielding those lights. Here's the chimneys,
18 steam coming out to drive a third turbine, a steam turbine,
19 here's the combined cycle, one gas turbine, two gas
20 turbines combined with a steam turbine, that's your
21 combined cycle. And then the power obviously coming out of
22 the steam turbine and then you need to have cooling system

1 to cool your condenser at the back end of that turbine and
2 that's where principally 97 percent of all the water we need
3 on the whole project is for cooling and that's what's
4 coming from the (inaudible) we use.

5 I'm going to keep moving in the interest of time.
6 This is a picture of the same generation, same type of gas
7 turbine, a generator. Here's a stairwell to give you a
8 sense of height, this is enclosed. The back end of that
9 has the heat pass going to the boiler area. This is a
10 steam turbine generator to give you a sense of that. We'll
11 quickly skim through these in the interest of time. This
12 is an actual photograph of outdoor steam boilers, the
13 boiler structure again, our will be indoors, but just to
14 give you, if you wanted a sense of what a boiler looked
15 like, this what technical called a heat (inaudible) steam
16 generator, there are two of these with a chimney. Ours
17 will not look like that I might stress. Here's the nearest
18 plant AES has currently in Connecticut to Londonderry and
19 this is the steam turbine generator that AES Thames. And
20 then this is a typical of wet cooling structure under
21 operation with the fans on top and basin on the bottom.

22 Let me quickly get into impacts that have been raised

and now's not the time to really get into a full
1 examination of these. I'm sure they will unfold at the
2 next meeting. This was our visibility impact study. Again
3 the project site here, the airport up here, Litchfield Road
4 here, people in Yellowstone, people in Woodside, Harvey
5 Road, everything that is not red cannot see the structures
6 of the facility at all according to our understanding of
7 the topography and of the tree heights both on site and off
8 site. We're going to demonstrate this September 1st with
9 balloons and we're going do it many, many more times even
10 in wintertime but it is our modeling thanks to Earth Tech
11 that only the places in red, because it's really more of a
12 function of height here, that will have a visual vantage
13 point of the equipment of the facility, specifically the
14 chimneys which are 132 up from the ground. As you can see
15 there's a portion of South Yellowstone area here which will
16 a vantage point and I'll tell you what that looks like in a
17 second. Slight portion here on Litchfield, but every other
18 community, where really most everyone else is, I don't want
19 to diminish the handful of people that live here, but
20 everyone else will not be able to see the facility. Here's
21 Harvey Road, we can show you that vantage point from up
22 there, this is Harvey Road next to the airport, to my

23

24 LEGAL DEPOSITION SERVICE

25

1 knowledge there are no residences right here. This is a
2 highway. This will go to one of those vantage points, this
3 was Harvey Road and Litchfield, you may be familiar with
4 this intersection, this is before, no trees on the leaves,
5 this was taken late May I think it was before leaves on the
6 trees. This is before the plant, after the plant will be
7 built, no visibility. Basically the chimneys are so low
8 that they are not visible from Harvey and Litchfield Road.

9 Out of all the view sheds we thought we at least ought to
10 show you one where it could be visible and this is what
11 that, remember South Yellowstone, that little red area, and
12 I met this neighbor, very pleasant person, here's before
13 the plant, here's after the plant. They would see, this is
14 what they would see of the physical structure, is the
15 chimney. Now our chimney would not be dark like that but
16 we needed to make sure we had a marker of some kind so
17 someone could get a feel for it.

18 MS. WAYLAND: Now you're not taking
19 into account plume.

20 MR. HASE: That's accurate, I'm not
21 taking into account the plume. We could do other modeling
22 to show what that would look like. Okay, other impacts.
23 Noise seems to be, of course we hear about this issue. We

welcome every chance we can to get the facts out about this
1 one. These are, we took all the principal noise sources,
2 the cooling towers, the fans at the top of the cooling
3 towers which are low speed don't sound unlike a fan that
4 someone has in their own window. But they are that kind of
5 fan and then there's the water cascading into a basin so
6 the rush of water sound. I have air intake sources here,
7 there are a couple of other sources of sounds but the one
8 that seems to have caught most of the attention because of
9 the proximity of the cooling tower was the cooling tower.
10 45 DB would be the experienced sound level at this
11 location. By the time the effect reaches Litchfield Road
12 the sound would have diminished to 40 decibels and to 35
13 decibels. What's really relevant is what does that sound
14 like in comparison to what's already there. And that's
15 what these tables are all about which we'd be happy to
16 explain to someone. But in effect we believe on a typical
17 summer day like this, or summer evening, people outside of
18 this red circle will never hear the facility. We would
19 like to demonstrate that and that's what September 1 we are
20 going to try and we'll do it again if people want to just
21 do it again specifically in their neighborhood.

22 What would they hear? For the people that are here,
23

1 they would hear a one, two, three, four, five, in the case
2 of on summer days, a one to five decibel increase. Now
3 that doesn't mean anything to anybody so we need to
4 demonstrate that, we need to help people understand what
5 the actual sound is, which we will do on September 1. What
6 happens if a fan increases in five decibels? What does
7 that mean to you? We are very much willing to demonstrate
8 that.

8 MR. GABBIDON: Steve, I have a question
9 for you. There is a buffer between your proposed site and
10 Woodside Drive. I live at 7 Woodside Drive. I'm
11 approximately .52 miles from the proposed site.

12 MR. HASE: We're a little farther
13 than that but --

14 MR. GABBIDON: From Woodside Drive.
15 Now this buffer has a corridor within the buffer, it's not
16 as dense as you think it is. How wide is that road you
17 indicated, that unpaved road within the buffer?

18 MR. HASE: You're speaking of this
19 paved road?

20 MR. GABBIDON: No, between the buffer
21 and Woodside Drive, between the proposed site --

22 MR. HASE: Okay, here's the buffer

23

24 LEGAL DEPOSITION SERVICE

25

26

1 that we will maintain. You're speaking of a corridor, I'm
not sure where your corridor is.

2 MR. GABBIDON: You know that slide you
3 had up with the yellow footprints?

4 MR. HASE: Yes.

5 MR. GABBIDON: Could we see that real
6 quick and I'll point out to you what I'm talking about.

7 MR. HASE: Oh, there's a path up
8 there, is that the one you're thinking of?

9 MR. GABBIDON: It's a little bit more
10 than a path.

11 MR. HASE: Yes. A 4x4 vehicle
12 could go on it. Is this what you are thinking of?

13 MR. GABBIDON: No, see where your site
14 is? Now come straight across to Woodside Drive, right
15 across there. That dense brush has a road within it, a
16 paved road that 4x4's and motorcycles do travel on that.
17 Now that is a direct access to the airport. Now FedEx has
18 a jet that goes out about 5:30-6:00 every morning, I know
19 because it wakes me up. That acts as a tunnel, noise
20 travels right up that path. Now if you're saying the
21 impact of the noise is only going to be added to what's
22 there, what I'm saying it's going to increase the noise

1 level that comes through that tunnel. I think you are
2 missing that piece. If you haven't seen that path, you
3 actually need to take a look at it.

4 MR. HASE: Why don't we get out
5 there and look at that sometime, where that path is. I
6 don't see it on the aerial, I don't doubt it's there. There
7 is a path I'm sure there, and we'll --

8 MR. GABBIDON: On any given Sunday
9 morning just come out and listen to the kids out there on
10 their motorcycles, I'm telling you that that path acts as a
11 tunnel to transmit the noise directly through the
12 neighborhood. I'm just concerned with the plant added to
13 that plus the airport, I mean, where are we now? Has that
14 been measured?

15 MR. HASE: It's an excellent
16 question and to me that question is best answered at a
17 collaborative where it we will specifically get into the
18 meat of it and we do a demonstration, down that tunnel and
19 you see if you can still hear it. That would be my
20 suggestion.

21 MR. GABBIDON: Once your application
22 was submitted is there a noise impact study that was
23 submitted with this application?

MR. HASE: Yes, sir.

1 MR. GABBIDON: Then I'm also concerned
2 then if that piece was not taken into consideration, within
3 that impact study.

4 MR. HASE: I might have George
5 Lipka address this because there was a -- I know at earlier
6 times we were discussing whether we should include any
7 buffering effect from trees, versus if it was open space
8 completely. I don't know how that actually came out in the
9 application. Actually there is a way to actually project,
10 what you do, you start with a fan up here and you say, in
11 it's source emits "X" decibels and then you can assume no
12 trees just open space. That tunnel effect that you speak
13 of, you can assume something like that and then say what
14 does it mean when it reaches your neighborhood and down in
15 here? We can work with you on a specific like that. I
16 think what we can do is come up with a worst case number,
17 assuming there were no trees what would it sound like and
18 we could also try something in the field to demonstrate
19 that.

20 MR. GABBIDON: I'm just concerned that
21 by the time we find out what the worse case scenario is,
22 you'll be through this committee and then I'll have to buy

ear muffs. I apologize, I don't mean to be adversarial but
1 I do believe you probably have to take down a few trees in
2 order to construct your plant where you're sitting now.

3 MR. HASE: Yes, in here.

4 MR. GABBIDON: That's eating away at
5 the buffer that's already in existence.

6 MR. HASE: Paul, what I'm saying is
7 we can figure this out assuming there is no trees, which
8 is, again, we can figure this out within the next couple of
9 months, while this process is going. I'll make that
10 commitment to you. We can figure this out between now and
11 then.

12 MR. GABBIDON: Let me apologize to the
13 Committee as well. I've had several conversations with Mr.
14 Hase and I've found him to be a very responsible, a very
15 accommodating individual and I don't mean to appear
16 adversarial today, it's just I'm very concerned about that
17 corridor. Thank you.

18 MR. HASE: I'll try to move on in
19 the interest of time. We'll just be really brief on the
20 environmental benefits. Because of the clean fuel, because
21 we approximate 60 percent efficiency compared to 30 to 40
22 percent, because of the additional nitrogen oxide controls

1 and the SCR that we are proposing, this plant will
2 significantly outperform existing plants in the fleet in
3 New England, and in New Hampshire. Conservation Law
4 Foundation can articulate this far better than we can. But
5 they do see, as we do agree, that there is a net
6 improvement in regional air quality when we run and we're
7 lower cost, we displace kilowatt hours from another plant
8 that is that efficiency, with a higher emissions and Bob's
9 going to show you by what margin we do outperform on an
10 environmental basis. Typical fleet in New Hampshire which
11 is somewhat proxy of what's in New England as well, if you
12 were to average all the nitrogen oxide emissions per
13 megawatt you'd be emitting this amount. Our plant is 30
14 times less than that. Why don't we say you have to build
15 30 AES plants to equal one typical existing plant, whether
16 it's 700 megawatts, whether it's one megawatt, 30 of our
17 plants to one of the other plants to have the same amount
18 of nitrogen oxide emissions. That's how much cleaner we
19 are. When we run on a every kilowatt of hours we'll be
20 displacing a kilowatt hour of that, essentially is our
21 conjecture.

21 MS. WAYLAND:

I have a question to ask

22 to when you expect, or how often you would expect to be

1 using your alternate fuel source and under what
circumstances.

2 MR. HASE: In our permit we are
3 seeking a 30 day permit. We actually expected there could
4 be some years where it's not used at all, there could be
5 some years where all 30 days are used. They will not be
6 consecutive. We have to learn a lot more about the natural
7 gas market and the temperatures. The intent is this, it's
8 only when it's an emergency condition and even in our
9 minds, it's not necessarily an economic factor, it's when
10 physically we could not buy firm transportation. Not even
11 that it was too expensive even, just that it was not
12 available. We could not have firm transportation for all
13 365 days a year, maybe we could only have 360 days a year
14 of firm transportation and therefore when it's an emergency
15 condition, extreme cold spells where you want the natural
16 gas for residences and hospitals and other community
17 services. We would not run on natural gas but for
18 liability reasons but at the same time people need
19 electricity and they need it in those extreme conditions,
20 we wanted to be able to run distillate fuel. I might add
21 all these emissions included the worse case of our, if it
22 were distillate fuel rather than natural gas. That applies

1 to NOX and it applies to SOX. I'm sorry, pardon the
2 acronyms, nitrogen oxides and sulphur dioxides.

3 MS. WAYLAND: So these figures assume
4 that you would be using the full 30 day alternate fuel.

5 MR. HASE: Right. That's true.
6 George, you may want to just confirm that. This assumes
7 that we are burning distillate fuel. The question is it
8 for all 30 days or is it really for short term average on a
9 megawatt hour basis?

10 MR. CLEARY: That number was based on
11 the total potential times a year divided by the plant
12 megawatts.

13 MR. HASE: Actually that assumed we
14 did burn 30 days a year of distillate fuel. Thank you for
15 clarifying that. That is not a 30 to one difference, this
16 is closer to 250 to 1 difference on the sulfur dioxides.
17 AES stands before you fully convinced we bring
18 environmental benefits to your state when we operate.

19 ATTORNEY RICHARDON: You indicated earlier
20 that every megawatt of electricity that would be produced
21 by AES would end up in a megawatt that wasn't being
22 produced in that 47.3 category. But aren't you assuming
23 that deregulation isn't going to displace first, higher

expensive sources like some of the smaller hydroplants?

1 There is a question of if you displace Seabrook, you're
2 assuming that what's going to get displaced is the dirtier,
3 when in fact what's going to be displaced is the more
4 expensive and unless there's a correlation between the two,
5 you can't make that statement.

6 MR. HASE: Well, there are either
7 855 plants plus in New England and you're going to find of
8 the more expensive ones, many of them are like this and
9 you'll find of the less expensive ones many are like this.
10 I don't have a crystal ball, there's's no way I can
11 guarantee which ones are or which one aren't.

12 ATTORNEY RICHARDSON: But you said every
13 kilowatt hour.

14 MR. HASE: I stand corrected. The
15 likelihood, the probability is, every kilowatt hour of ours
16 that we generate here will displace this. We believe that
17 is likely and it takes a linear program and the wisdom of
18 Solomon to exactly determine which one it does and really
19 no one will know then but yes, we expect our kilowatt hours
20 -- now, do we expect 100 percent of our kilowatt hours all
21 the time? No, based on the theory you just said. But most
22 of them, most of the time, yes.

23

24 LEGAL DEPOSITION SERVICE

25

1 MR. CANNATA: Let me ask you the same
2 question that I asked of the previous applicant. Are you
3 going to have to shut down to transfer to distillate oil?

4 MR. HASE: Excellent question and
5 I'm going to see if Joe Cleary --

6 MR. CLEARY: The answer is no. You
7 can do it on line, full load transfer.

8 MR. CANNATA: A full load, you don't
9 have to reduce load or anything? You just phase one up and
10 you phase one down?

11 MR. CLEARY: Well, you have a
12 separate set of equipment, oil pumps that raise the oil to
13 that pressure. You start those pumps and have
14 recirculation, move back to the tank and get the oil to
15 pressure and then you can make the transmission over.

16 MS. SIMEOUS (ph): My name is Carol Simeous
17 (ph) and I'm a resident of Londonderry and I recently
18 visited AES Huntington Beach facility. And I spoke with Ed
19 Black for quite a while. And I asked him that question
20 about displacing the coal burning power plant and he said
21 that he would bet that it would be the nuclear NNG that
22 would be displaced and not the coal burning fuel. He said the
23 coal burning plants are very economical compared to the gas

burning plants. And that once deregulation occurs it will
1 be nuclear energy that can't compete.

2 MR. HASE: I'm sure Ed said that
3 and that (inaudible) market is completely different from
4 this market. The cost basis --

5 MS. SIMEOUS (ph): No, he's from
6 Pennsylvania and he's familiar with the New England market
7 so that was his opinions. So I just thought I'd raise
8 that.

9 MR. HASE: You might then ask
10 another question. Which you rather have a kilowatt hour of
11 nuclear fuel involved or --

12 MS. SIMEOUS: No, I just think it
13 might be misleading to say that your plant is going to lead
14 to lower NOX emissions.

15 MR. HASE: Actually it's not
16 misleading at all that we lead to low NOX emissions. Maybe
17 what needs to be checked is, if it's not 100 percent of the
18 time here, maybe it's 80 percent of the time here, so it's
19 going to be down to here versus there. Maybe what I need
20 to do is add the nuclear chart, add how much nuclear fuel I
21 would be displacing and nuclear waste I'm displacing by
22 running. There's a lot of trade offs here. We submit
23

1 we're cleaner and we're better than the typical fleet and
2 we think that's good for the environment. This could be,
3 we would be happy have an independent person do a full
4 study on fully dispatching. What would happen in the
5 dispatching?

6 MR. SOSSE: This placement is taking
7 place throughout New England not necessarily here.

8 MR. HASE: That's correct.

9 MR. CANNATA: Not to belabor the
10 subject but would it be a fair assessment then that your
11 graph would be basically done if New England was dispatched
12 on an economic basis as it is today? On the margin it
13 would be fuel, oil, coal plants aren't usually on the
14 margin.

15 MR. HASE: If you say the variable
16 cost of fuel and oil, that's right. Our on the margin
17 higher than the variable cost of nuclear and actually
18 that's an excellent point. If (inaudible) continues it's
19 current cost of dispatching on an economic basis, Mike's
20 making his point far better than I really was. It is true,
21 Harry Lovrak (ph) is incorrect about New England. It is
22 true that we will be displacing the higher marginal cost
23 units of coal and oil which isn't what this represents.

1 Again, I'm not here to represent that I know exactly who we
2 displace. I just know that every kilowatt hour we were to
3 displace, most of which we expect are coal and oil, at
4 least from Mike's point, if that were to happen, if we
5 displaced a kilowatt hour of nuclear fuel, nuclear impacts,
6 maybe I need to have a graph of that. I hadn't even
7 thought of that benefit. There's another good one.

8 MR. SOSSE: You confused me, you
9 just bought all the coal plants in New York that were
10 auctioned off by the State of New York and you're talking
11 about putting coal plants out of business but you're in the
12 business.

13 MR. HASE: I'm going to be cleaning
14 up some of those coal plants. And by the way, this is New
15 York we've acquired facilities in. We're not talking about
16 -- you don't understand, this plant will compete in New
17 England, not in New York.

18 I'm asked by the chairman to move on. I'll be really
19 brief now, economic benefits: largest taxpayer in
20 Londonderry. We're committed to local contractors, water
21 revenue to Manchester creating local jobs. This is
22 gratuitous, I don't know need to go through the tax part.

1 Electricity benefits, important to note, we believe in
2 consumer choice, we favor competition obviously. Our
3 customers will be the people that will be offering to sell
4 electricity to the citizens of New Hampshire. We support
5 that process, we understand the energy policy in New
6 Hampshire does call for lower cost electricity. We think
7 we are specific examples of answering that call. The two
8 different electric systems and we can get into why that is,
9 how we can increase flexibility and reliability. Maybe I
10 should just point this out, that we believe we can operate
11 in both of those electric systems without causing two very
12 significant local constraints. That's being studied now in
13 the system impact studies. What happens downstream once
14 we're at Scoby Pond, or once we're at Tewksbury, what
15 happens downstream is that same uncertainty conundrum that
16 Southern was explaining. But we believe that, one of the
17 reasons we chose Londonderry was we believe we can be
18 interconnecting without reaching the same congestion as a
19 lot of our competitors. The power will be locally consumed
20 by as we offer it through to local folks. Low cost energy
21 to Eco-park. We'll be the anchor tenant. We think this
22 Eco-park is a great model for sustainable development.
23 It's a very responsible model. It's all about

1 transparency, it's all about continuous improvement and
2 being accountable to the whole community. That's what we
3 are committed to.

4 I'm closing now to summarize and then chairman I'll
5 give the floor back to you. The project is still at very
6 preliminary stage, voted for the first time on whether to
7 complete. AES is just beginning the process which we
8 expect to take some nine months. We believe we're an ideal
9 member of the Eco-park and meet the Eco-park mission. And
10 we are compatible with the industrial character of that
11 1000 acres. We also think we can minimize our impacts
12 visibility wise, noise wise, lighting, all those issues,
13 the buffers for the power lines so that we can reduce
14 impacts to local residences. We believe we make a lot of
15 economic and environmental sense. We'll continue the
16 informal public process. Let me just close with that, Mr.
17 Chairman.

18 MR. CHAIRMAN: Thank you for that
19 presentation. Referring back to our agenda today, we need
20 to discuss our acceptance of the application. Harry and
21 Ken would you like to comment in terms of the environmental
22 permits?

23 MR. COLBURN: Once again, Mr.

Chairman, all of the elements are in place for us to begin
1 consideration of the application. Although I would perhaps
2 for the benefit of the public members here, indicate that
3 administrative completeness just means that you have enough
4 to start discussing it. It doesn't indicate anything about
5 decisions that will be the outcome. You might draw an
6 analogy to wanting to play a card game and it's wise to
7 first check that you have all 52 cards before gathering
8 four people to do bridge or play whatever other game. It's
9 not even worth starting if all the cards aren't there. And
10 all we are saying is that the cards are here, now we can
11 start discussing what game and how it should be played and
12 what the final outcome should be. That is the case with
13 AES's application, Mr. Chairman. They are administratively
14 complete and we can proceed.

15 MR. STEWART: With regard to the Water
16 Division elements and Waste Management Division elements,
17 the application is administratively complete.

18 MR. CHAIRMAN: Any other agency
19 comments? Michael.

20 MR. CANNATA: In the interest of time
21 I would repeat the comments as clarified that I made to the
22 previous applicant. We recommend similiar treatment.

1 MR. CHAIRMAN: It's got to be in the
form of a motion.

2 ATTORNEY RICHARDSON: Mr. Chairman, I'd like
3 to comment on the motion. I believe that under RSA 162-H
4 there's two components to completeness. The first
5 component is in the 162-H:6-1 which involves agency
6 completeness which is I understand what we are discussing
7 here. The other concern that I have and I think I concur
8 with what was decided on the Newington project, was that
9 we're really stuck with a transmission line that's going to
10 be built, we don't know where it's going to be built
11 exactly. We're not sure as we were with the Portland
12 Natural Gas situation exactly where that's going to fall on
13 local property owners. There's been a, I guess, some
14 resolution, I haven't seen the copy of where the water line
15 is actually going to be located. I think that there's a
16 number of issues, including downstream expansion which
17 really relate to what does this committee have to do under
18 RSA 162-H:16 when it says, the project won't unduly
19 interfere with the orderly development of the region, won't
20 unreasonably impact the environment. That we can't answer
21 today, based on the information that is before us because
22 we don't know exactly where the power lines are going to go

1 and we don't know exactly what the upgrades are going to
2 have to be to the proposed, to the transmission lines.
3 That being said I think that the appropriate resolution is
4 to proceed with this but with the understanding, I believe,
5 that we're going to have to come back when we have all the
6 pieces before us and make an ultimate decision that may
7 involve something that could adversely impact building the
8 project as it is proposed today.

8 MR. CHAIRMAN: Would the applicant like
9 to say anything?

10 MR. HASE: If I may, Greg can
11 interject as counsel, to be clear we are applying for the
12 direct interconnect from our location. Remember the blue
13 and yellow lines directly interconnecting to the PSNH
14 structures, those impacts are well disclosed in the
15 application and well understood. What is unclear, to your
16 point Mr. Richardson, is that it's unclear what's going to
17 happen downstream of those impacts once you interconnect.
18 That is accurate. We believe that we can show whether or
19 not the ISO is complete with their study and we can go for
20 that time line, it's not unlike Southern's time line in
21 that it likely won't get a real answer from ISO until after
22 these proceedings are done. But we, the applicant, can

show that the upgrades even downstream, we're willing to
1 bring in other expert witnesses to quantify what those
2 upgrades would be downstream under certain conditions.

3 Let me further add that AES has joined several other
4 independent power producers in New England and appealing to
5 FERC on the interconnection issue. FERC has said for the
6 market to be robust, for the deregulation to come forward
7 all new entries need to have non-discriminatory access to
8 these wires. We believe we can show under the policy of
9 non-discrimination precisely what those impacts of
10 transmission lines are, precisely what transformers need to
11 be put in what substations, precisely what poles and what
12 wires would need to take place. We believe that the
13 information can be available during, in due course of this
14 proceeding. I'm not saying that ISO would agree with that,
15 because ISO is stuck in this congested study mode of saying
16 we won't get to you until we finish these others and they
17 have these artificial conditions that we have to always
18 include these others whether they're going to be real
19 projects or not.

20 So AES has joined many other independent power
21 producers in appealing to FERC with a plan on how to solve
22 this, actually I have a copy of another company's testimony

1 which we have assumed as our own. This is American
2 National Power's testimony with FERC. I would be happy to
3 make that available for the record. I only have one copy,
4 but we can distribute it in the appropriate course. I
5 believe actually the way it's going to turn out is, new
6 sources like AES, this is projection, this is speculation
7 and that's all it is, that we can demonstrate the direct
8 interconnects and the effects on the local system and that
9 information will be fully before this committee within on a
10 timely process for you to make your decision. And that the
11 system impact further downstream may, due to other parties
12 and the FERC's oversight those rules are all going to
13 change all that anyway. So it's unrealistic to expect
14 even that answer to be coming back during this time.

14 ATTORNEY RICHARDSON: I think that's one
15 component to what I'm asking about. The other component
16 really relates to the facilities that AES is proposing they
17 would build and I'm talking about the transmission lines
18 to get to the interconnection. I've been through the
19 application and I've seen a plan. I don't know what
20 exactly what the scale is but I just don't feel comfortable
21 that we have the level of detail that we really need to say
22 okay, this proposed power line is going this close to this

1 person's house, this close to their property lines. I mean
2 we don't have that kind of information to really make that
3 decision. I think a lot of that is because the actual
4 interconnections and the actual route alignments are still
5 being negotiated. And I'd like, I think the right thing to
6 do in this circumstance is probably to proceed but we are
7 going to get stuck as we go further on as more information
8 starts to get developed, whether it through data requests
9 or through some other means. That's going to force us
10 really look at future information that is going to come in
11 to make the same decision, is it enough.

11 MR. OTIS: Mr. Chair, my name is
12 Jay Otis. I represent the town of Litchfield. We have
13 limited appearance. On this issue, the town of
14 Litchfield's concern is what is the impact going to be on
15 the town of Litchfield? The project is in Londonderry but
16 the transmission lines that are being referred to go
17 through the town of Litchfield and so the town would like
18 that issued addressed in this proceeding. Are new
19 easements going to have to be acquired in Litchfield? Are
20 the existing power lines going to have to be expanded, new
21 structures built? And that's the kind of issue that the
22 Planning Board, the Conservation Commission and the Board
23

of Selectman of Litchfield have asked me to bring to your
1 attention to become part of this proceeding so that we know
2 the impacts on that municipality.

3 MR. CHAIRMAN: And I would urge the
4 town of Litchfield as well as any other parties to submit
5 questions to the Committee and to the applicants in writing
6 regarding any issues of concern that they may have, any
7 questions that they want to make sure are fully considered
8 and fully answered during the proceedings. That would be
9 very helpful to all of us here to do that. And the sooner
10 that you do it the better. Ken?

11 MR. COLBURN: Thank you Mr. Chairman.
12 Mr. Hase, you mentioned that AES and other IPPs have
13 brought the transmission concerns, the ISO concerns to
14 FERC's attention. Has FERC accepted them as a docket?
15 What's the prognosis in terms of time frames?

16 MR. HASE: My current understand is
17 that testimony is still being received by FERC up until
18 September 1. I don't think a docket has been assigned for
19 specific review of the appeal process. There's still time
20 for, and I might, someone might need to correct me on this,
21 the actual time line for that. I do know that we submitted
22 our testimony near the last day and in the middle of
23

August. So what the September 1 date is I need to check
1 what that is. Greg, you don't know do you?

2 ATTORNEY SMITH: I'm sorry, I don't.

3 MR. HASE: All I can say is that
4 it's in its very formative stages with FERC hadn't taken
5 any action on the receipt of our testimony.

6 MR. COLBURN: That's all I needed.
7 Thanks.

8 MR. CHAIRMAN: Any other questions from
9 the Committee? The motion on the floor to accept the
10 application with the caveats that were described
11 previously. Any other discussion by the committee members?

12 All those in favor say aye.

13 COMMITTEE: Aye.

14 MR. CHAIRMAN: Opposed? The motion is
15 approved. As I said earlier, the date of the public
16 informational hearing will be on September 24th and I
17 believe that will at the Londonderry High School, would it
18 be the cafeteria or --

19 MR. DUSTIN: The gymnasium.

20 MR. CHAIRMAN: And we'll be sending
21 committee members details on that.

22 MS. GEIGER: Mr. Chairman will be

also have a site visit on that afternoon as we --

1 MR. CHAIRMAN: Yes. That's what we're
2 planning to do and

3 MR. HASE: We're prepared to
4 receive you anytime that afternoon. Is there a particular
5 time we want to set?

6 MR. CHAIRMAN: Cedric will be working
7 out the details and we'll send out a schedule for the site
8 visit as well as the public information meeting. With
9 directions on where we will go and so on as we discussed
10 previously. Yes sir?

11 MR. SOSSE: Steve, you're going to
12 have this dry run on the height et cetera, et cetera, you
13 picked a Tuesday. People work during the day. It's going
14 to be at 7:00 in the evening? That's when it's going to
15 start?

16 MR. HASE: Yes sir. Is there a
17 better time, should we pick a weekend, some Saturday,
18 sometime?

19 MR. SOSSE: I'm trying to think that
20 maybe with children going back to school, et cetera it
21 might be better for the immediate residents to have it like
22 a weekend to do it.

MR. HASE: What I would suggest is
1 maybe it's the Saturday after the hearing on the 24th.
2 We'll still have our balloons up for the height. We'd like
3 the Committee to see the visibility effects as well. Maybe
4 I'll just propose that Saturday after we're done, actually
5 I need to check but we can try to accommodate that.

MR. GALLANT: You had mentioned in the
7 hallway when we were discussing informally about the fuel
8 tanks and the direct proximity right at the end of the
9 runway. You know you're looking at the Manchester airport,
10 the runway and there are the fuel tanks and you had
11 mentioned that what if we were to hold the fuel off site,
12 and then you walked away. I don't know, we didn't get into
13 anything but what were your thoughts on that and what did
14 you mean by that?

MR. HASE: Let us just clarify that
16 the fuel tanks are not at the end of the runway. The fuel
17 tanks are outside of the air space in the approach path.
18 The reason for probing that is we're always willing to have
19 dialogue with people in the community, is there a better
20 way to do this, is there another way to run that power line
21 or a shorter way, or extra sound buffering, just to
22 explore. If we did that, would that work? That was the

1 reason for posing the question. Again, we would have to
2 talk about it. There are alternatives. I'm not sure how
3 feasible they are yet of storing it off site. But if that
4 was an issue important to you, that's what the
5 collaborative is all about. So please come September 1 and
6 we can work that out.

6 AUDIENCE: I just have a question
7 on this meeting that you'll have on the 24th, at the high
8 school, do you have any studies on what's happened to
9 property values in the towns that you pointed out on your
10 presentation there? What's happened to those towns in
11 terms of property values as a result of building a power
12 plant in town? You know basically a chart saying this is
13 where it was before, this is where it is after and what we
14 can all do to feel a little bit better. Because when we go
15 and sell our homes we're not going to have the benefit of
16 your nice and neat presentation to our perspective buyers.
17 We're going to have to sell them on the fact that don't
18 worry, it's okay, we went to the meeting. So if you could
19 have that on the 24th, because I'll be there and I'll ask.
20 It's an issue that we can maybe address further.

21 MR. CHAIRMAN: You may also want to
22 look at two communities right here in New Hampshire, in
23

1 Newington and Bow. Both have existing power plants and I
2 think property values are fairly --

3 MS. GABBIDON: I know everyone wants to
4 get home, but I just want to address two issues. In
5 Londonderry we are still having issues regarding the
6 dialogue between AES and residents. Yesterday I went to
7 the home of the Loretta McKinney, an 89-year-old resident
8 of our neighborhood who, and I actually saw an AES official
9 at the home while I was there. Well, she has been
10 approached every week since June regarding selling her
11 house. In relation to what Justin was saying about the
12 existing power lines and interconnecting corridor, she did
13 tell me last night that she doesn't think she can hold out
14 any longer. She had planned to die in her home but she's
15 feeling very pressured. And in terms of the open dialogue,
16 the first meeting, yes there were 100 people at that
17 meeting. Of the 25 homes on my street only one person
18 received the letter. Of those 300 letters that were
19 supposed to be mailed out. The reason people attended
20 those meetings is because the Londonderry Neighborhood
21 Coalition notified them of the meeting. Every AES meeting,
22 at least the two that were in the summer, the notification
23 process was made by the Londonderry Neighborhood Coalition,

1 so we do have a problem with the dialogue that exists. We
2 do not feel that it's open at this point. We hope that is
3 rectified.

4 ATTORNEY IACOPINO: Mr. Chair, can I ask you
5 to ask the attorneys who are representing the parties who
6 are interested to meet after this meeting with me?

7 MR. CHAIRMAN: Sure. That's fine. Is
8 everyone available to do that? Thank you.

9 MR. SOSSE: I would like
10 clarification on the representation. I understand that
11 Londonderry is now hired an attorney that also represents
12 Newington, correct? Who hired you? I understand AES is
13 paying for your services but what is their position on
14 this?

15 ATTORNEY CHAMBERLIN: We've been hired to
16 represent the town council in this process. I don't know
17 that AES has a position on this.

18 MR. LOWEN: We're going to be
19 requesting a similar situation as with Southern where a
20 portion of the attorney's fees are paid for by the
21 applicant, by AES.

22 MR. SOSSE: So what I'm asking is
23 the council's position?

1 MR. LOWEN: The council has not
2 taken official position on AES. They are welcomed to
3 dialogue.

4 ATTORNEY CHAMBERLIN: I think it's important
5 again to address that this is the very beginning of the
6 process and that we are in the process of gathering
7 information. And that we have been asked by the Town
8 Council to help them, advise them on these very technical
9 issues, to advise them on the legal process before the
10 Committee. We're happy to listen to what you have to say.

11 I'm hoping to participate in some of these meetings to get
12 a sense from different people what their concerns are. We
13 have experience in these hearings. We've had experience
14 before the different members of this committee that we are
15 here to make the process more efficient and to make sure
16 that peoples' concerns do get addressed. Clearly when
17 there are different opinions we can't please everyone but
18 the idea is to give the Town Council, and in turn all of
19 you, advice on how these things can move forward. And I'm
20 happy to give people my card and have people speak to me.
21 You can also speak through your Town Council so that we can
22 participate (inaudible).

23 MR. CHAIRMAN: Justin, would you also

1 like to explain the role of the public counsel? Your role
2 in these proceedings, since some of these people weren't
3 here in our previous meeting when it was explained.

4 ATTORNEY RICHARDSON: Thank you Mr. Chairman.

5 My name is Justin Richardson. I'm the counsel for the
6 public for those of you who I haven't spoken with before.
7 Counsel for the public is a party to the application. I
8 attend all the hearings and all the meetings. I have the
9 right to ask questions and file data requests and present
10 testimony and evidence before the Committee to assist them
11 in making their decision to either approve or deny the
12 application for certificate. I've worked in the past with
13 Leslie Ludtke who was the counsel for the public on the
14 previous application. And we worked very closely with a
15 number of landowners in the town of Newton as well as with
16 different communities such as the town of Shelburne in
17 having environmental issues, concerns, rerouting the
18 pipeline, that type of thing.

19 Every project is different and it involves different
20 issues and impacts different people. So I have my cards
21 here and I would encourage any of you to contact me.
22 Really, I view my contacts with the public as kind of my
23 barometer for deciding well, what are the issues that

1 should be raised, what one of the things that need to be
2 addressed by the applicant and by the Committee throughout
3 the process. So feel free to contact me after the meeting
4 or to take my card and call me up at any time.

4 MR. GABBIDON: I have a question for
5 you, I know several times today the issue about (inaudible)
6 came up but I believe the Londonderry Coalition is here
7 today as a result of the lack of representation. I question
8 the legality of AES funding a portion of the attorney's
9 fees that represents the city council. I don't understand
10 how they objectively represent the citizens of the town of
11 Londonderry. I mean is there an issue here, is there a
12 conflict here? If not, could you please clarify it for me?

13 ATTORNEY RICHARDSON: Well, I'd have to review
14 them. There are rules that allow other parties to pay for
15 other parties attorneys' fees and there's certain
16 restrictions that would apply and one of them is that it
17 would be the client, in this case the Town Council, that
18 would be making the decisions. And that AES would
19 probably have to understand that it was giving this money
20 with no expectation of any kind of a decision. But I
21 really, I'm not the appropriate party to address that to,
22 and if you want I can talk to you more about that after the
23

meeting.

1 MR. GABBIDON: Thank you.

2 ATTORNEY SMITH: I think a point of
3 information is probably an order. So far as I know, AES
4 has not been approached about paying the legal fees for the
5 town and so what you've heard here today, we've heard for
6 the first time which is that someone is thinking about
7 asking AES if they would pay for it. Just so there's not
8 confusion about that. We've not been involved in it, we
9 have not expressed an opinion about it. That's an idea
10 that others have apparently had but have not been raised
11 with us here.

12 MR. CHAIRMAN: That would not be an
13 issue before this committee either.

14 MR. HASE: A point of clarification
15 and I understood that some of the cost associated with
16 these proceedings and perhaps is the cost of even people's
17 counsel, I understood that those would be charged to AES.
18 And I don't know if that's --

19 MR. CHAIRMAN: Yes, if approved by the
20 Committee. For example, in the case of the gas pipeline
21 application that was before this committee, experts were
22 hired by public counsel with approval of this committee and

1 they required expert testimony on the applications. So,
2 that has been done. At the local level for those of you
3 involved in town planning and the like, it is fairly common
4 for a local planning board for example, when they are faced
5 with a developer coming in or a large subdivision that's
6 proposed in the community, for the community to hire a
7 consultant who might look and do, for example, an
8 independent traffic study of a development for the town
9 planning board and the cost of which would be reimbursed by
10 the applicant, by the developer.

11 So the issue of having the technical capabilities that
12 are needed to properly review the application is very
13 important and if this committee needs expert testimony, if
14 public counsel does, then that can be charged, the cost of
15 that can be charged to the applicant. So, I'll leave it at
16 that.

17 ATTORNEY IACOPINO: Maybe we should just
18 state that the town of Newington had asked this committee
19 to order the hiring an expert out of town. This committee
20 declined to do that. What this committee decided was that
21 if experts were needed and the town planning board or the
22 town wanted to engage in and were looking for someone to
23 pay for them, they would have to go through public counsel

1 and convince public counsel at his discretion that they
2 were needed. And that's the way we left it. We, at no
3 time, ordered anyone to pay attorney's fees and at no time
4 ordered anybody to pay for expert witnesses. We were
5 hopeful that the town and the applicant could work those
6 things out between themselves.

6 MR. CHAIRMAN: On a voluntary basis.

7 ATTORNEY RICHARDSON: Mr. Chairman, I'd hope
8 to address this under business if it came up but I think
9 it's come up now. There was a meeting held last week with
10 the applicant and the town of Newington. We've agreed in
11 concept on the direction that we are going to go on all
12 these issues. And I hope to have something that we've
13 worked on in the form of an agreements similar to what's
14 been done in the past by the time of the informational
15 hearings. That's the direction that I think that we're
16 headed in and it looks like we've made a lot of progress,
17 and the Committee will get an update on that.

18 MR. CHAIRMAN: Any other business?

19 Kenneth?

20 MR. COLBURN: Earlier there was an
21 indication that the ISO would be making a presentation to
22 the Committee. Do we have a date of that presentation yet?

1 MR. CHAIRMAN: Not yet, Bruce was going
to talk to them.

2 MR. ELLSWORTH: I guess it would be
3 helpful to me to know whether you'd like to do it in
4 conjunction with an already existing scheduled meeting or
5 whether it's worth a separate meeting. What is the
6 committee's pleasure?

7 MR. CHAIRMAN: I think we should work
8 it into one of the meeting dates that we've outlined, given
9 that the dates were so difficult and if we were to pick
10 another date we might have difficulty getting the majority
11 of the committee to attend.

12 ATTORNEY IACOPINO: We have a workshop
13 scheduled for September 2nd.

14 MR. CHAIRMAN: A non-meeting, a
15 workshop.

16 MR. ELLSWORTH: Is that a good date for
17 the ISO to come?

18 MR. CHAIRMAN: Either that day or the
19 early afternoon of the 24th.

20 ATTORNEY RICHARDSON: Mr. Chairman, I have a
21 concern that members of the, some of the applicants are
22 members of the ISO and if they're going to be meeting with
23

the Committee, at a non-meeting, counsel for the public
1 would like the opportunity to at least consider that.

2 MR. CHAIRMAN: That would be a public
3 meeting if we were to meet with them.

4 ATTORNEY RICHARDSON: Thank you.

5 ATTORNEY IACOPINO: The workshop portion
6 with committee counsel would be a non-meeting.

7 MR. ELLSWORTH: When would you like the
8 ISO to meet?

9 MS. GEIGER: If I might make a
10 suggestion, I think the 24th would be a better date because
11 at a meeting that the Public Utilities commissioners were
12 at on Monday with members of the (inaudible) Executive
13 Committee and members of ISO, it was indicated to us that
14 they were trying to get together a white paper on some of
15 these que issues. That my understanding is wouldn't be
16 available until sometime in mid-September so I don't think
17 meeting with them in early September is going to be very
18 helpful. I think it would be much better to wait until the
19 24th.

20 MR. CHAIRMAN: And then our next
21 possible date after that would be the 21st of October.

22 MR. COLBURN: Following that I
23

1 understood that the list is on the web at this point as
2 well and I wonder if our counsel could get URL address out
3 to the Committee so that we could peruse that.

4 MR. CANNATA: It's ISO-NE.com.

5 MR. CHAIRMAN: Any other business?

6 Thank you very much and I appreciate all the local citizens
7 coming here today. Thank you.

8 **OFF THE RECORD**

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

LEGAL DEPOSITION SERVICE

25